

INTRODUCED _____
PUBLIC HEARING _____
COUNCIL ACTION _____
EXEC. ACTION _____
EFFECTIVE DATE _____

County Council of Howard County, Maryland

2008 Legislative Session

Legislative Day No. 7

Bill No. 51 - 2008

Introduced by: Greg Fox

AN ACT prohibiting installation of certain multiuse sewerage systems for residential projects; providing exceptions; allowing the County Board of Health to adopt certain regulations; and generally relating to private sewer systems.

Introduced and read first time _____, 2008. Ordered posted and hearing scheduled.

By order _____
Sheila M. Tolliver, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2008.

By order _____
Sheila M. Tolliver, Administrator

This Bill was read the third time on _____, 2008 and Passed ____, Passed with amendments ____, Failed ____.

By order _____
Sheila M. Tolliver, Administrator

Sealed with the County Seal and presented to the County Executive for approval this __ day of _____, 2008 at __ a.m./p.m.

By order _____
Sheila M. Tolliver, Administrator

Approved by the County Executive _____, 2008

Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 *Section 1. Be It Enacted by the County Council of Howard County, Maryland, that*
2 *Section 12.106 “Permits” of Subtitle 1 “Health Code” of Title 12 “Health and Social*
3 *Services” of the Howard County Code is amended to read as follows:*

4
5 **Sec. 12.106. [[Permits]] ON-SITE SEWAGE DISPOSAL; PUBLIC SWIMMING POOLS AND**
6 **SPAS.**

7 (a) On-Site Sewage Disposal:

8 (1) Permit required: No on-site sewage disposal system shall be constructed,
9 altered, or caused to receive an increase in flow unless the county health officer has
10 issued a health permit for its construction, alteration or increase in flow.

11 (2) Testing and permit fee: The board of health shall recommend and the
12 county council shall approve a schedule of fees for:

13 (i) Percolation testing and evaluation to determine suitability for on-
14 site sewage disposal systems; and

15 (ii) Issuance of a health permit for construction, alteration or increase
16 in flow of an on-site sewage disposal system.

17 (3) Denial of permit. An on-site sewage disposal permit or minor septic repair
18 permit shall be denied when, upon review of the application and required site plan, the
19 approving authority finds that:

20 (i) The proposed design is inadequate to collect, treat and dispose of
21 domestic sewage and effluent discharge in accordance with the standards set forth
22 in this subtitle;

23 (ii) Soil and geological conditions are such as to preclude safe and
24 proper operation of the desired installation; or

25 (iii) The construction would be detrimental to the general health and
26 welfare of the residents or the environment.

27 (4) MULTI-USED SEWERAGE SYSTEMS.

28 (I) “MULTI-USED SEWERAGE SYSTEM” MEANS A “MULTIUSE SEWERAGE
29 SYSTEM” AS DENFINED IN § 9-501 OF THE ENVIRONMENT ARTICLE OF THE

1 MARYLAND CODE. AND A “MULTI-USED SEWERAGE SYSTEM” AS DEFINED IN
2 26.03.01.01 OF THE CODE OF MARYLAND REGULATIONS.

3 (II) A PERSON MAY NOT INSTALL A MULTI-USED SEWERAGE SYSTEM FOR
4 A PROJECT THAT CONTAINS RESIDENTIAL UNITS OF ANY KIND.

5 (III) NOTWITHSTANDING SUBPARAGRAPH (II) OF THIS PARAGRAPH, A
6 MULTI-USED SEWERAGE SYSTEM MAY BE INSTALLED IF THE COUNTY HEALTH
7 DEPARTMENT DETERMINES THAT EXTRAORDINARY CIRCUMSTANCES EXIST
8 NECESSITATING THE USE OF A MULTI-USED SEWERAGE SYSTEM TO PROTECT THE
9 PUBLIC HEALTH.

10 (IV) A MULTI-USED SEWERAGE SYSTEM:

11 1. IS SUBJECT TO REGULATION UNDER TITLE 18 OF THE HOWARD
12 COUNTY CODE; AND

13 2. SHALL PROVIDE AT LEAST 10,000 SQUARE FEET OF SUBSURFACE
14 DISPOSAL AREA FOR EACH 750 GALLONS OF DESIGN FLOW FOR
15 WASTEWATER.

16 (V) TO CARRY OUT THIS PARAGRAPH (4) OF THIS SUBSECTION, THE
17 COUNTY BOARD OF HEALTH MAY ADOPT REGULATIONS.

18 (b) Public Swimming Pools and Spas:

19 (1) Permit required: A person may not construct, alter, or operate a public
20 swimming pool or spa without a permit issued by the health officer. A separate permit is
21 required for each operation. The permit is nontransferable.

22 (2) Permit application: An applicant shall submit an application to the health
23 officer on a form provided by the officer.

24 (3) Permit fees: The board of health shall recommend and the county council
25 shall approve permit fees for the construction, alteration, and operation of public
26 swimming pools and spas.

27 (4) Rules and regulations:

28 (i) The county health officer shall recommend regulations concerning
29 public swimming pools, spas and natural bathing areas to the board of health for
30 its review and recommendations.

1 (ii) After the health officer receives the recommendations of the board
2 of health, the regulations shall be forwarded to the county executive for
3 submission to the county council for its approval by legislative action.

4 (iii) Except as provided in paragraph (5) of this subsection, title 10,
5 subtitle 17, chapter 1 of the Code of Maryland Regulations, "Public Swimming
6 Pools and Spas," as amended from time to time, is hereby adopted as the
7 regulations for public swimming pools and spas in Howard County as if set forth
8 in full in this paragraph.

9 (5) Appeal: Notwithstanding any provision of Code of Maryland Regulations
10 10.17.01, a person aggrieved by a decision of the health officer to grant, deny, suspend,
11 revoke, renew or refuse to renew a permit may appeal the decision to the board of health.
12 An appeal under this paragraph shall be governed by Article III, "Contested Cases," of
13 the Howard County administrative procedure act. The appeal shall be filed with the
14 executive secretary of the board within days of the decision to deny, suspend, revoke,
15 renew or refuse to renew a permit.

16

17 ***Section 2. And be it further enacted that this Act shall not apply to any project for which***
18 ***a permit to install a multiuse sewerage system has been issued under § 12.106 of the***
19 ***County Code on or before December 31, 2008.***

20

21 ***Section 3. And Be It Further Enacted by the County Council of Howard County,***
22 ***Maryland, that this Act shall become effective 61 days after its enactment.***

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